

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

DENNIS LAZARD

**CASE NO. 6:21-CV-04042 LEAD
6:21-CV-04067 (MEMBER)**

VERSUS

JUDGE ROBERT R. SUMMERHAYS

PABLO ESTRADA, ET AL.

MAGISTRATE JUDGE WHITEHURST

ORDER and REASONS

The Motions to Dismiss Penalty, Punitive, or Exemplary Damages were referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation.¹ After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's recommendation is correct. The Court adopts the findings and conclusions of the report as its own, subject to the following clarification: as the motions were brought solely on behalf of Officer Pablo Estrada, the Court grants relief solely to Officer Estrada.² Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the report and recommendation as modified herein, Defendant's Motions to Dismiss Penalty, Punitive, or Exemplary Damages (Rec. Doc. 7 in Civil No. 6:21-CV-04042 and Rec. Doc. 5 in Civil No. 6:21-

¹ See ECF No. 7; *see also* Member Case No. 21-cv-4067, ECF No. 7.

² In the report and recommendation, the Magistrate Judge states that she "recommends that Defendant's motion to dismiss, which seeks dismissal of Plaintiff's claims for punitive damages *against LCG and the officers* in their official capacities, be granted. *See* ECF No. 31 at 4. That is an incorrect statement which the Court declines to adopt. The pending motions were brought solely by Officer Estrada, who seeks relief only on his own behalf.

CV-4067) are GRANTED. Plaintiff's claims for punitive damages against Officer Estrada in his individual capacity under federal law shall be allowed to proceed.

Signed at Lafayette, Louisiana, this 4th day of April, 2022.

A handwritten signature in black ink, appearing to read 'R. Summerhays', written over a horizontal line.

ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE